

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BTG PATENT HOLDINGS, LLC,

Plaintiff,

vs.

BAG2GO, GMBH, *et al.*,

Defendants.

Case No. 2:15-cv-01736-KJD-CWH

ORDER

This matter is before the Court on Plaintiff's motion to stay (doc. # 24), filed October 23, 2015, and Defendants' response (doc. # 31), filed November 11, 2015. Plaintiff did not file a reply.

Plaintiff moves the Court to stay the instant case pending a ruling from the U.S. District Court, Southern District Court of Florida ("Florida court"), which has an action before it involving the same parties, facts, claims, and issues.¹ Plaintiff contends that this Court should stay the instant case in the interest of judicial economy until such time that the Florida court adjudicates the pending motion to dismiss before it, which addresses, among others, the question of jurisdiction.

Defendant, in opposition, argues that this case should be dismissed, not stayed, because judicial efficiency would be best served in the absence of a statute of limitations issue in this case, and Plaintiff has engaged in forum shopping by filing two identical lawsuits in both Florida and Nevada. Plaintiff did not file a reply.

Here, the parties concede that the facts, claims, and issues in both actions are substantially the same. However, contrary to Defendants' assertion, the Court finds no evidence of forum shopping by

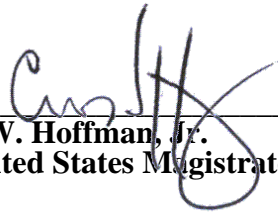
¹ The Court notes that Plaintiff initiated its action in the U.S. District Court, Southern District of Florida, on July 30, 2015, and initiated the instant action before this Court on September 10, 2015.

1 Plaintiff. Instead, it appears that Plaintiff filed the second lawsuit before this Court in response to
2 Defendants' "indicat[ion] that they would be challenging" the Florida court's jurisdiction over them.
3 Doc. # 24 at 2. Thus, Plaintiff filed the instant action in an attempt to cover its bases and make sure
4 that at least one, if not both, courts would (and could) exercise jurisdiction over Defendants. Given
5 such, the Court deems it appropriate to stay the instant case until the Florida court decides the motion
6 to dismiss in the first action.

7 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's motion to stay (doc. # 24) is
8 **granted.**

9 **IT IS FURTHER ORDERED** that Plaintiff shall **file** a status report sixty days (60) from the
10 date of this order, apprising the Court of the status of the Florida action.

11 DATED: December 4, 2015

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15 **C.W. Hoffman, Jr.**
16 **United States Magistrate Judge**
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